

**OLD METAIRIE COMMISSION (OMC) MINUTES  
PUBLIC HEARING  
February 6, 2020 9:00 a.m., Suite 604, Yenni Building**

**In Attendance**

**Old Metairie Commission Members**

	<u>Present</u>	<u>Absent</u>
David Webber	√	
Clifford Brown, Vice-Chair	√	
Dr. Monica Monica	√	
Thomas McAlister	√	
Cynthia J. Steward		√

**Planning Department**

Jay Hébert, Senior Planner  
Shakeeb Shariff, Planner II  
Nedra McKinney, Typist Clerk III

**Others**

Bess Renfrow, Parish Attorney  
Tramone Chetta, Dept. Inspection and Code Enforcement

Mr. Brown, Vice-Chairman, introduced himself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the February 6, 2020 public hearing at the Joseph S. Yenni Building in Suite 604, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Ms. Eastman proceeded to the agenda and opened the meeting at 9:00 a.m.

**OM-26-19 515 Woodvine Ave.**

A request to remove a swimming pool and construct a new residence on, Lot 13, Square K, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Geranium St., Iona St., and Northline St.; zoned R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. Shariff reported the findings of the case.

The Planning Department recommends approval for the following reasons:

- The proposal meets all requirements of the R-1D/OMNCD.

Mr. Brown opened the floor for applicant/owner to speak.

Mr. Rodney Ratliff, 800 Mariners Plaza, Mandeville, architect/applicant for this property. The owner/contractor is Fairway Development. They have done several developments and very nice

homes in Old Metairie. He stated that one thing that's not clear is that the pool is between two lots (13 & 14). The owner owns both lots, so the whole pool would have to be removed. An application has been submitted for that property. It's a brand new home, concrete house supported foundation with brick shingles to blend in with other homes in the neighborhood. It's consistent in characteristics and size, and he would be happy to answer any questions.

Arthur Deutsch owner/operator of Fairway Development introduced himself and stated that he'd be happy to answer and questions.

Mr. Webber stated that the front parking area was quite large and asked if it is necessary to have such a large parking area. Mr. Ratliff said that with all their homes they try to accommodate as much green space as possible. They built ten homes in the immediate area for the past three to four years. What they found is these homes range from 2.5 to 3 million dollars, typically with multiple people living in them so they try to provide as much parking as possible while maintaining as much green space as possible. They provide as much parking as possible because people prefer it and quite frankly it helps them to sell the home in a quick manner so it does not stay on the market.

Mr. Brown opened the floor for any proponents to speak. There were none.

Mr. Brown opened the floor for any opponents to speak.

Mr. Bill Coleman, 530 Woodvine Ave, stated he was one of two people that was responsible for creating the Old Metairie Neighborhood Conservation District. He stated that the number one reason why it was created was because of situations like this. There are underneath all these houses and some of those lots that are vacant, many "technically" lots of record. What the district was to solve was; they were to assign a minimum lot size for a single home in different area. In this case, this is in a 20,000 square foot lot area, whether it's two lots of record, it's grandfathered in that way. What's happening now, taking a lot and separating into two smaller lots, can change the whole character of the neighborhood. In this case, this house, this property has always been one. This lot has served as the rear yard of a house. Mr. Coleman's house is on two lots of record. So he can subdivide his lot and put another house on one of his lots. This defeats it. This was one of the major purposes. The Commission did it this way for protection. The second lot is 7,000 square feet. Then you put a 5,000 square foot house on it. That's not Metairie Club Gardens. That's not the way it was to be. If you could subdivide into smaller lots then why would the planners have put in 20,000 sf. It needs to be one home in that space.

Ms. Eastman, 213 Stella, agreed with Mr. Coleman. This was to avoid owners coming in to chop up lots into smaller lots. She also noted that the air conditioner is on the roof and questioned if they are going to provide noise protection. A 7,000 sf. on an 11,000 sf lot with two driveways. It looks pretty green right now, but the next person that comes in and wants to put a swimming pool and other things in it; it's going to be huge. The driveway's also a concern because of clearance. The 10 ft. site triangle may pose an issue with the traffic and walking children and dogs. Mr. Hebert stated that they will have to comply with sight triangles. They have no sight triangles on the Geranium side. They may have to utilize an open fence design.

Martin Miller, 499 Woodvine Ave, lots 11-14 were originally owned by Mr. & Mrs. Reynolds. It's historically been treated as one piece of property. It was listed for sale in 2017 and later taken off the market. Mr. Miller expounded on how lots 13 and 14 became two separate lots. They see developers coming into the neighborhood building on smaller sized lots. Why there is an R1-D designation, 20,000 square feet? Neither lot meets these requirements. Lot 13 doesn't even meet the minimum requirements of 12 thousand feet. But if you combine them both together it does. That is what has made him feel comfortable. These four lots do not have four separate assessments. They have two separate assessments. Maybe Iona (lots 13 & 14) has one assessment and lots 11 & 12 have another assessment. What's the purpose of having the R1-D if you can build on smaller lots.

Ms. Eastman asked on the property if the owner is still Barbara Reynolds.

Mr. Brown opened the floor to the proponents for a rebuttal.

Mr. Arthur Deutsch, stated that when they speak of enhancements for the neighborhood, the properties they have built in the past such as the house on Furnham or one of the other streets, they have enhanced the neighborhood. Although not in the Conservation District, they had opposition. The internet went wild, and people in the neighborhood went wild. And now they've got two families living in two multi-million dollar properties. These properties work with the code, which they make sure they follow.

The houses that they propose to build will be multi-million dollar homes so by no means are they a fly by night contractor who has any other initiative than to make the neighborhood nice. They are working with people who cannot sell the property. They are paying fair market value or overpaying for the property to develop, so please take that into consideration.

Mr. Rodney Ratliff stated the lots are actual lots of record and that they did not have to resubdivide it into that lot size and that there is an existing fence.

Mr. Webber asked if the new brick fence will match the old lot of record. A discussion took place for clarity between the applicant, the commissioners and others present regarding the plans and the placement of the brick fence.

Mr. Webber asked if we are dealing with old lots of record and why this is two lots instead of four lots of record, and why the Assessor has it as two lots of record and not four. Ms. Renfrow stated that we are dealing with two lots of record that were never re-subdivided and stated that the Assessor goes on ownership. As she understands it, the owner may have purchased the lots separately. The Assessor has it separate because it's tied to a purchase of property, not to the property being a legal lot of record. The Assessor is only concerned as to ownership of the property.

Dr. Monica provided comment that she is very sensitive to the Old Metairie Commission's mission, and sensitive on what's been going on in Old Metairie and views her role as overseeing the protection of the character of the District, and feels that this is not in keeping with what she wants to see in the neighborhood.

Mr. McAlister has a strong disbelief in non-conforming lots and feels that this property should be combined with the lot next door and then developed. The property came before them earlier in the year to resubdivide the property and he objected to it because it would create a nonconforming lot. This is another fashion in creating another nonconforming lot, even though these are four lots of record. The lots are there, but have been treated as one single piece of property. When he bought his house, it was built on two lots of lots of record, but subdivided into one single lot in order to maintain the lot size and green space for the area. If it goes through, you might see the next lot on Woodvine go up for sale and so forth. He would have preferred the previous proposal with the one big house on one big lot and keeping the same fence. It would be the only house with the one brick fence with lots of security and privacy.

Mr. Brown agreed with Mr. McAlister and doesn't think this lot fits the R1-D designation and thinks this isn't going to stay a 20,000 square foot lot. The purpose of the Old Metairie Commission is to protect the neighbors and not building on 55' wide lots. Two 75' lots would be better than 55' lots. The houses on Woodvine are on large lots and this one would be out of place. It does not fit with the R-1D.

Mr. Deutsch said that if they don't think it fits in the neighborhood they are more than willing to walk away from it. They thought it would enhance the neighborhood. The lot sat there. The people really wanted to sell it. They put a lot of time and effort into it.

A short discussion took place between the Commissioner, the developer and others present regarding lot sizes and a previous meeting that took place with some Planning Department staff.

Dr. Monica made a motion to recommended denial of OM-26-19. Seconded by Mr. McAlister.

Ms. McKinney called the roll on the motion:

	<b>Aye</b>	<b>Nay</b>
Mr. Brown	<u>√</u>	—
Mr. McAlister	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. Webber	—	<u>√</u>

The ayes have it by a vote of 3 to 1. (With Ms. Steward absent). Motion approved.

**Minutes**

Mr. McAlister made a motion to adopt the minutes from January 5, 2020. Seconded by Dr. Monica.

All were in favor by a vote of 4 to 0. (With Ms. Steward). Motion approved.

**Administrative Approvals & Follow-up of previous cases.**

- MES-193-19, 210 Hector Ave. was approved administratively on January 10, 2020. This was a subdivision of part of lot 3 and lots 4 & 5 into lot 4-A. It was a companion case to OM-25-19. (Demolition of existing residence)

**Other Matters.**

- A special election will be held at the next meeting, March 5, 2020 to nominate and elect a new OMC Chair to fill the vacancy.

Mr. Coleman approached the Commission and others present with a discussion that included development on non-conforming (sub-standard) lots in the R-1D district and is recommending a study be conducted to address the development on non-conforming lot, including building height, and building setbacks, in relation to the R-1D zoning district.

Dr. Monica suggested that Mr. Coleman along with others in the neighborhood put together a proposal in writing of what the neighbors would like to see addressed and bring it before the Commission for review and discussion, so that a formal recommendation can be presented to Councilwoman Van Vrancken for a study.

Mr. McAlister stated historic lots of record is a “thorny” issue from a legal stand-point and that a person cannot be denied construction on a non-conforming lot if they own it outright individually and not as part of a bigger parcel, and currently a person cannot be forced to subdivide their property. In the previous case there was commonality of ownership and there is a concern.

Mr. McAlister asked a question that if there is commonality of ownership, before a building permit is granted to build on one lot and there is a non-conforming lot next door, can a subdivision be required to combine those two lots? You can't deny some who bought legally a lot of record from building on it and you can't force them to resubdivide. If there is commonality of lots and they are not filing for a building permit, can you make someone subdivide into one lot of record? From a legal perspective, he does not think you can. Mr. McAlister ask Ms. Renfrow if there is commonality of ownership; before you grant a building permit to build on one lot and you have a nonconforming lot next to it, can you require that there be a subdivision to combine those two lots? As a condition to granting a building permit, if one of the lots is nonconforming, could you require a subdivision of the two lots into one lot of record? Could we include that in an ordinance? Could we get an amendment to the zoning ordinance?

Ms. Renfrow stated that we can include this in part of a study and that a formal recommendation may not be needed since Mr. Hebert is also part of this discussion and all necessary parties can possibly see about putting this in the study. Although the lots are substandard to the requirements of the neighborhood, they are not substandard enough as to not allow someone to build on them.

Mr. Coleman asked why then would the Planning Department have put these overlays (R-1D district) in place; one house on a 20,000 square foot lot? What you're saying is that every lot in the neighborhood is fair game.

Mr. Hebert addressed Mr. Coleman by saying that although there may be a majority of lots in the area that meet the minimum lot size for the district, not all lots in the area do.

Ms. Renfrow also addressed Mr. Coleman by saying that in addition to meeting minimum lot sizes, there are also setback requirements. The problem with these two lots is that they are large enough

for the developer to hold to the setbacks that are required in that neighborhood. It's not just the area size.

Mr. Coleman stated that there are so many options that it could destroy the character of the area. The concern also includes property values.

Mr. Miller liked what Mr. McAlister said about when you have two lots you can build on one lot and force the other nonconforming lot to subdivide into the larger lot. You can go one step further and say you have to put the R-1C or R-1D whichever comes closest to matching the square footage. This one would be 19,000 sf., which comes closer to R-1D than 12,000 square feet.

Ms. Renfrow said that Mr. Hebert and the Planning Department would look into how you can legally do that in effort to preserve the character of the neighborhood. She indicated that before the study goes before the Council it goes to the Old Metairie Commission for review and to look over.

Mr. Coleman again asked why they (Planning Department) would have placed R-1C overlay on the map for that area, if you could build on substandard lots.

Ms. Renfrow stated that the R-1D is not an overlay but a zoning district, and the reason they did it is because it maintains the open character of the neighborhood and because of the additional setbacks, we cannot hold this gentleman to it at the moment. Even at that, the R-1A district, which only requires 50 foot wide lots, he could subdivide the current lot and you would have three lots there. That's why we put that zoning there. He can't do the 50' lot. He can get away with the two separate lots of record he has now, but we can at least hold him to not making that lot smaller because of the R-1D zoning district that you have.

Mr. McAlister stated that they looked at this several months ago when they approached us to resubdivide and it would have resulted in nonconforming lots on Woodvine and we said no because of that.

Mr. Webber requested a copy of the most recent study.

Dr. Monica moved for adjournment, Seconded by Mr. Webber. All were in favor. (4-0). (with Ms. Steward absent).